

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MELPAR, LLC,

Defendant Below,  
Appellant,

v.

THE STATE OF DELAWARE,  
UPON THE RELATION OF THE  
SECRETARY OF THE  
DEPARTMENT OF  
TRANSPORTATION,

Plaintiff Below, Appellee.

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§ No. 44, 2022

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§ Court Below: Superior Court  
§ of the State of Delaware

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§ C.A. No. S21C-03-017

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Submitted: February 9, 2022

Decided: February 10, 2022

Before **SEITZ**, Chief Justice; **VALIHURA** and **TRAYNOR**, Justices.

**ORDER**

After consideration of the notice of appeal from interlocutory orders and the documents attached thereto, the interlocutory appeal is refused for the reasons stated in the Court’s order dated January 27, 2022, in *Melpar, LLC v. State ex rel. Secretary of Department of Transportation*, 9, 2022 (Del. Jan. 27, 2022). To the extent that the second application for certification of interlocutory appeal raises additional issues—including relating to the Superior Court’s decision regarding the appellant’s request for an evidentiary hearing and the application of “Superior Court Civil Rule 71.1 and bad faith/fraud/abuse of discretion”—this Court has concluded, in the

exercise of its discretion, that the application for interlocutory review should be refused.

NOW, THEREFORE, IT IS ORDERED that the interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Gary F. Traynor  
Justice